IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 8524 of 2003

Between:

J. Sudhakar Babu s/o Seshaiah, Aged: about 53 years, 26/486, A.K. Nagar, Postal Colony, Nellore—524 004.

..... PETITIONER

AND

1. Divisional Co-operative Officer, Nellore.
2. The Joint Registrar/District Co-operative Officer, Nellore.
3. District Revenue Officer, Nellore.
4. the Indukurpet Co-operative Rural Bank Ltd., Indukurpet, Nellore dist. 524 314 rep., by its President.
5. D. Surendra Reddy s/o Balarami Reddy, Aged: about 52 years, r/o Puttaveedhi, Balajinagar, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ or order or direction calling for the records relating to the impugned order of the 1st respondent dated 01-08-2002 including the reports of domestic enquiry as well as statutory enquiry conducted against the petitioner and declare the order of the 1st respondent dated 01-08-2002 as null and void, vitiated by lack of reasons and also to declare the action of the 4th respondent in reverting the petitioner to the post of LDC as *mala fide*, intentional, arbitrary and illegal and consequently direct the 4th respondent to continue the petitioner ins service as Secretary in the 4th respondent Bank by quashing the order dated 17-10-2001 of the 5th respondent.

Counsel for the Petitioner: MR.P.GIRISH KUMAR

Counsel for the Respondent No. 1 to 3: GP FOR AGRICULTURE

Counsel for the Respondent Nos.4 & 5: Mr. V. Sudhakar Reddy

The Court Made the Following :

ORAL ORDER:

The petitioner, a Secretary in the Indukur Co-operative Rural Bank Limited, Indukurpet, Nellore district has filed the writ petition assailing the orders of the Bank dated 17-10-2001 inflicting the petitioner with the punishment of reversion from the post of Secretary to the post of a Clerk, after a due process of inquiry and the orders of the appellate authority, under the service bye-laws of the respondent-Bank dated 01-08-2002 confirming the punishment imposed by the Bank and rejecting the appeal preferred by the petitioner therefrom. The writ petition does not contain any plea whatsoever to the effect that the 4th respondent-Bank is an agency or instrumentality of the State or a State within the meaning of Article 12 of the Constitution of India. Even if the 4th respondent were to be a State for some purposes, the service disputes between the employees of such Co-operative Rural Bank and the banks are not covered by any statutory instruments or Rules warranting adjudication of such disputes under Article 226 of the Constitution of India. This position is well settled by the decision of a Full Bench of this Court in *KONASEEMA CO. OP. CENTRAL BANK Ltd., Vs. N. SEETHARAMA RAJU (FB)* ([1]) and a decision of the Supreme Court in *FEDERAL BANK LTD., vs. SAGAR THOMAS & ORS* ([2]).

The writ petition is, on the analysis above, incompetent and is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dt. 05-07-2004

Pvks/*

To

1. Divisional Co-operative Officer, Nellore.
2. The Joint Registrar/District Co-operative Officer, Nellore.
3. District Revenue Officer, Nellore.
4. The President, The Indukurpet Co-operative Rural Bank Ltd., Indukurpet, Nellore dist.524 314.

5.2CCs to Government Pleader for Co-operation, High Court Buildings, Hyderabad (OUT).

6.2CD copies